

**IN THE UNITED STATES DISTRICT COURT OF THE
MIDDLE DISTRICT OF PENNSYLVANIA**

DANIELLE M. LEONE AND JACOB	:	
M. LEONE, individually and as	:	Civil Action No. 4:21-cv-00800-MWB
Plenary co-guardians of the Estate and	:	
Person of CALEB LEONE and	:	
CALEB LEONE, Individually	:	
Plaintiffs	:	JURY TRIAL DEMANDED
v.	:	
	:	
RIDDELL, INC.,	:	
BRG SPORTS, INC.	:	
RIDDELL SPORTS GROUP INC.,	:	
RIDDELL/ALL AMERICAN	:	
SPORTS CORPORATION	:	
Defendants	:	

PETITION FOR APPROVAL OF SETTLEMENT

NOW come Plaintiffs/Petitioners Danielle M. Leone and Jacob M. Leone, individually and Plenary co-guardians of the Estate and Person of Caleb Leone and Caleb Leone, Individually by and through their undersigned counsel, Munley Law, P.C., and petition the Court as follows:

1. Plaintiffs/Petitioners Danielle M Leone and Jacob M. Leone are the Plenary Co-Guardians of Plaintiff Caleb Leone.
2. Plaintiffs/Petitioners Danielle M. Leone and Jacob M. Leone were appointed Plenary Co-Guardians of the Estate and Person of Caleb Leone on or about June 4, 2019, by the Court of Common Pleas of Lycoming County.
3. This action arises out of serious and permanent injuries sustained by Plaintiff Caleb Leone on or about August 14, 2018, when he sustained a head injury during a high school football practice while he was wearing a Riddell football helmet.
4. Plaintiffs/Petitioners initiated this action by the filing of a Writ of Summons in the Court of Common Pleas of Lackawanna County on August 13, 2020.

5. On or about April 13, 2021, Plaintiffs/Petitioners filed a Complaint against Defendants Riddell, Inc., BRG Sports, Inc., Riddell Sports Group, Inc., and All American Sports Corporation in the Court of Common Pleas of Lackawanna County.

6. On or about May 3, 2021, this action was removed to this Honorable Court on the basis of diversity jurisdiction.

7. Defendants Riddell, Inc., BRG Sports, Inc., Riddell Sports Group, Inc., and All American Sports Corporation have denied Plaintiffs/Petitioners' claims and allegations and have denied all liability to Plaintiffs/Petitioners.

8. Plaintiffs/Petitioners and Defendants Riddell, Inc., BRG Sports, Inc., Riddell Sports Group, Inc., and All American Sports Corporation have agreed to compromise the disputed claims for the total sum of \$100,000.00 from Defendants, without an admission of fault or liability by Defendants.

9. Plaintiffs/Petitioners and their counsel believe that the agreed upon compromise is fair and reasonable, and desire to accept the same in settlement of the claims against only Defendants Riddell, Inc., BRG Sports, Inc., Riddell Sports Group, Inc., and All American Sports Corporation.

10. Plaintiffs/Petitioners retained the law firm of Munley Law, P.C. and Anapol Weiss to prosecute the action on behalf of the estate and entered into a contingency fee of 35% of the gross proceeds of any settlement or verdict.

11. Attorney's fees to Munley Law, P.C. and Anapol Weiss are 35% or \$35,000.00.

12. However, Munley Law, P.C. and Anapol Weiss have agreed to reduce the attorneys' fees to \$30,684.68.

13. Counsel for Plaintiffs/Petitioners have advised Plaintiffs/Petitioners of the services rendered by Munley Law, PC, Anapol Weiss, attorneys of record, associate attorneys, paralegals, and various support staff. The services rendered include investigation of the subject incident, identifying possible defendants, researching potential claims, determining insurance coverage available, and locating and interviewing witnesses. Counsel for Plaintiffs/Petitioners researched applicable state law prior to commencing the action with multiple claims against the Defendants. Counsel also engaged in discovery by way of document requests and interrogatories. Voluminous documents were reviewed in this action to pursue the claims against Defendants. Counsel for Plaintiffs/Petitioners conducted extensive investigation into the Defendants in the action. Depositions were also taken in the lawsuit, which include both of the Plaintiffs/Petitioners and two of Caleb Leone's teammates who were present during the subject football practice. Finally, Munley Law, P.C. and Anapol Weiss negotiated the settlement with the Defendants and agreed to settle Plaintiffs/Petitioners' claims against Defendants Riddell, Inc., BRG Sports, Inc., Riddell Sports Group, Inc., and All American Sports Corporation.

14. Costs advanced by Munley Law, P.C. are \$6,905.46.

15. Costs advanced by Anapol Weiss are \$24,477.76.

16. Additionally, the following liens were asserted:

- | | |
|-------------------------------|--------------|
| a. Medicare | \$6,272.42 |
| b. United Healthcare/Optum | \$975.00 |
| c. PA Dept. of Human Services | \$682,652.30 |
| d. Highmark Blue Shield: | \$773,236.15 |

17. Repayment of the lien asserted by the Pennsylvania Department of Human Services has been deferred pending the resolution of a professional liability action filed on

January 6, 2023, *Leone v. Gusick, DO, et al.*, in Lackawanna County, No. 2023 cv 37. See correspondence dated September 12, 2022, attached hereto as *Exhibit A*.

18. The lien asserted by Highmark Blue Shield has been fully waived.

19. Plaintiff/Petitioner requests that the settlement be approved and distributed as follows:

\$100,000.00 to be distributed as follows:

- a. Attorney's fee: \$30,684.68 payable to Munley Law, P.C. and Anapol Weiss;
- b. Costs advanced: \$6,905.46 payable to Munley Law, P.C.;
- c. Costs advanced: \$24,477.76 payable to Anapol Weiss;
- d. Liens totaling \$7,247.42; and
- e. Estate of Caleb Leone: \$30,684.68.

20. The settlement proceeds to be paid to Plaintiff/Petitioner Caleb Leone, amounting to a total of \$30,684.68, will be deposited into the IRREVOCABLE SPECIAL NEEDS TRUST FOR THE BENEFIT OF CALEB N. LEONE ("Special Needs Trust").

21. Plaintiffs/Petitioners will, within thirty (30) days of depositing said funds, submit proof to the Court that said funds have been deposited into the Special Needs Trust account.

22. Plaintiffs/Petitioners request that this Honorable Court allow Plaintiffs/Petitioners Danielle M. Leone and Jacob M. Leone, individually and Plenary co-guardians of the Estate and Person of Caleb Leone to sign a Confidential Limited Release and any other documents necessary to complete this settlement regarding the claims against only Defendants Riddell, Inc., BRG Sports, Inc., Riddell Sports Group, Inc., and All American Sports Corporation.

23. No child support liens are owed by the Plaintiffs/Petitioners Danielle M. Leone, Jacob M. Leone, or Caleb Leone.

WHEREFORE, Plaintiffs/ Petitioners Danielle M. Leone and Jacob M. Leone, individually and Plenary Co-Guardians of the Estate and Person of Caleb Leone and Caleb Leone, Individually, pray this Honorable Court to approve the settlement in the above captioned action in the amount of \$100,000.00 and execute a release in favor of Defendants Riddell, Inc., BRG Sports, Inc., Riddell Sports Group, Inc., and All American Sports Corporation and to approve payment as follows:

\$100,000.00 to be distributed as follows:

- a. Attorney's fee: \$30,684.68 payable to Munley Law, P.C. and Anapol Weiss;
- b. Costs advanced: \$6,905.46 payable to Munley Law, P.C.;
- c. Costs advanced: \$24,477.76 payable to Anapol Weiss;
- d. Liens totaling \$7,247.42; and
- e. Estate of Caleb Leone: \$30,684.68, with said funds to be deposited into the

IRREVOCABLE SPECIAL NEEDS TRUST FOR THE BENEFIT OF CALEB
N. LEONE.

MUNLEY LAW PC

BY: /s/ John M. Mulcahey
John M. Mulcahey – ID 74562
Mackenzie Wilson – ID 330807

ANAPOL WEISS

BY: /s/ Larry E. Coben
Larry E. Coben - ID 17523
Jo Ann Niemi - ID 326595
Attorneys for Plaintiffs/Petitioners

EXHIBIT A



September 12, 2022

ANAPOL WEISS
JO ANN NIEMI
8700 E. VISTA BONITA DRIVE
SUITE 268
SCOTTSDALE AZ 85255

Re: Caleb Leone
CIS #: 720163073
Incident Date: 08/14/2018

Dear Jo Ann Niemi:

Please find this letter in response to your letter of August 25, 2022. Upon review, DHS is agreeable to a deferred collection of the lien pending the outcome of the medical malpractice suit. Please keep in mind DHS will need to periodically update the Statement of claim to keep the amount up-to-date. Please provide DHS with at least a 30 day notice prior to any conference/arbitration/settlement discussion so that we may update the Statement prior. If you have any further questions, please reach out to me at the below listed numbers or send correspondence through the web portal.

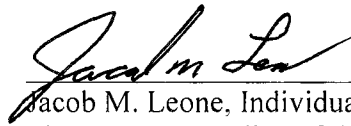
Sincerely,

A handwritten signature in black ink that reads "Bradley Hill". The signature is stylized with a large, looped "B" and a cursive "Hill".

Bradley Hill
TPL Program Investigator
717-772-6706
717-772-6553 FAX

VERIFICATION

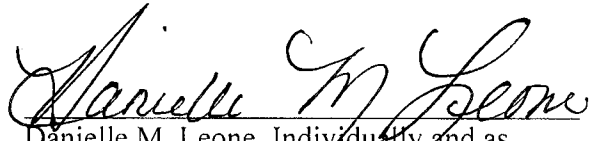
I hereby depose and state that I am the Plaintiff/Petitioner in the above-captioned action, and that the statements in the foregoing Petition for Approval of Settlement are true and correct to the best of my knowledge, information and belief. I understand that this statement is made subject to the penalties of 18 Pa.C.S. Sec. 4904, relating to unsworn falsification to authorities.

A handwritten signature in black ink, appearing to read "Jacob M. Leone", is written over a horizontal line.

Jacob M. Leone, Individually and as
Plenary Co-Guardian of the Estate and Person
of Caleb Leone

VERIFICATION

I hereby depose and state that I am the Plaintiff/Petitioner in the above-captioned action, and that the statements in the foregoing Petition for Approval of Settlement are true and correct to the best of my knowledge, information and belief. I understand that this statement is made subject to the penalties of 18 Pa.C.S. Sec. 4904, relating to unsworn falsification to authorities.


Danielle M. Leone, Individually and as
Plenary Co-Guardian of the Estate and Person
of Caleb Leone